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ABSTRACT

A background paper for the Symposium on Population and Human Rights reviews the proceedings and resolutions of the United Nations Internal Conference on Human Rights of 1968, General Assembly resolutions, and relevant supporting statistics concerned with the relations of population and human rights. This information is organized into the following sections: 1) Human Rights and Law; 2) Rights and Duties; 3) Population Growth and Human Rights; 4) Effects of Rapid Population Growth on Education; 5) Education and Population Growth; 6) Communication Media and Population; and 7) Action to Promote Human Rights in the Light of Population Trends. (KSM)

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INTRODUCTION

1. The United Nations International Conference on Human Rights, 1968, convened to review progress achieved and to identify obstacles encountered in the field of human rights since the adoption in 1948 of the Universal Declaration of Human Rights, proclaimed that, "The protection of the family and of the child remains the concern of the international community. Parents have a basic right to determine freely and responsibly the number and spacing of their children" (para. 16). The Universal Declaration itself declares (Article 16) that, "Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family". Resolution XVIII adopted by the Conference of 1968 stated that it considered that "couples" had the human right to determine etc. and further that they had "a right to adequate education and information in this respect".

2. In the same resolution, the Conference observed that the present rapid rate of population growth in some areas reduced the possibilities of rapidly achieving adequate standards of living and education, and thereby impaired the full realization of human rights. It recognized that moderation of the present rate in some areas would enhance the conditions for offering greater opportunities for the enjoyment of human rights.

3. The preamble to the resolution recalled General Assembly resolution 2211 (xxi) of 17 December 1966, "which recognized inter alia the sovereignty of nations in formulating and promoting their own population policies, with due regard to the principle that the size of the family should be the free choice of each individual family".

4. The Declaration on Social Progress and Development adopted by the General Assembly on 11 December 1969, one year after the International Conference, states in Part III, Means and Methods, Article 22 (b), that the achievement of the objectives of social progress and development require "the formulation and establishment, as needed, of programmes in the field of population, within the framework of national demographic policies and as part of the welfare medical services, including education, training of personnel, and the provision to families of the knowledge and the means to enable them to exercise their right to determine freely and responsibly the number and spacing of their children".

5. In Part II, Objectives, Article 11 (f) of the same Declaration, it is stated that a main goal to be attained is "the guarantee that all individuals, without discrimination of any kind, are made aware of their rights and obligations and receive the necessary aid in the exercise and safeguarding of their rights".

A. Human Rights and Law

6. The declaration of the right of couples to have children and to determine freely and responsibly how many and when, was (like the other statements cited above) adopted in the context of concern about the effect of rapid population growth on the realization of human rights and on economic and social development on which, in turn, the realization of many human rights depends. The sovereignty of nations in formulating population policies, but "with due regard to the principle that the size of the family should be the free choice of the couple", was recognized by the United Nations. At the time, in some countries, campaigns to persuade couples to practise family planning and to have fewer children were in course or being prepared, either directed by governments or agreed to by them. In other countries,

couples wishing to limit the number of their children were prevented from or hindered in obtaining information and means to do so, which were readily available in other countries.

7. Two principles are seen to be juxtaposed: the freedom and human rights of the individual and the responsibility and sovereignty of the State. The various U.N. declarations on human rights, on the rights of the child, on social progress and development, and others, are generally acknowledged to express the will of the international community to set standards for all peoples and States. They can be viewed as constituting an authoritative guide, produced by the General Assembly, to the interpretation of the U.N. Charter. Some jurists regard them as part of the "law of the United Nations". They have considerable moral influence on national legislation. Many jurists would not regard them as legally binding; this, they say, is only achieved when the provisions of the declaration are embodied in a covenant, which is a treaty duly adopted, and which is only binding on the States that ratify the covenant: hence the various covenants and conventions prepared by the U.N. and Specialized Agencies. Others hold that this is to confuse instruments and the rights concerned, and they maintain that legal force may be derived from non-treaty sources: natural law, customary international law and general law.

8. A related question concerns the choices which may be forced on States when at certain points in time different rights may seem to conflict or when national financial resources, required to implement them, are limited. The right of couples to have as many children as they wish may be seen to conflict with the realization of the rights to an adequate standard of living, to health and to education and to other rights.

9. Juridical or legislative action is not the only way to the recognition and enjoyment of human rights. It is essential but not sufficient. Even if the juridical framework were complete and unambiguous, pervasive shortages of resources would mean that not all claims advanced as rights could be met at the same time. Questions of choice intervene to move the matter from the realm of jurisprudence into that of economics, social engineering and politics.

B. Rights and Duties

10. The right of couples to determine the number and spacing of their children is qualified in the above-quoted Paragraph 16 of the Universal Declaration of Human Rights by "freely" and "responsibly". "Freely" seems to mean without being subjected in their choice and subsequent action to any direct or indirect constraint: that society and the State may try to persuade couples to adopt a given attitude and behaviour but not to penalize them for not doing so by discriminatory treatment in relation, for example, to children's allowances, employment, migration within their own country. "Responsibly" means the responsibility of each of the couple to the other and of the couple towards their children and those that may be born. It also means the duty of the individual towards the community and nation and even the community of peoples (see Article 29 of the Universal Declaration), "in which the free and full development of his personality is possible". This means that both men and women, since both are involved in the choice, must be given education and information to help them to take responsible decisions, in the knowledge of what these decisions mean for themselves and for others,

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Corrigendum

Page 6, Item B-Rights and Duties, line three

For of the Universal Declaration of Human Rights read of the Proclamation of the International Conference on Human Rights.

in terms of health and food and of education, of social and economic development and of the quality of the social and natural environment.

11. Hence the State has a duty, and an interest if it wishes people to behave responsibly, to develop population policies for the common welfare and, having done so, to inform, persuade and assist people to act in accordance with plans and laws adopted by democratic process. It has the duty to try to ensure that this education and information is made available and intelligible to all - men and women, adults and young boys and girls, of all social classes and levels of literacy and education, in towns and rural areas, in indigenous, local and minority languages, as well as official ones, without discrimination of any kind.

12. States which wish to see their populations grow can readily accept that couples exercise the right to have children and to have as many as they wish. But are they entitled to try to deny information and means to couples who wish to have none or to limit the size of their families and to penalize them for doing so? On the other hand, are States which have policies to limit population growth in the interest of the community, entitled, if persuasion fails, to try to oblige couples to limit the size of their families, or even to have no children, by means of economic and social pressures? This might seem to be an attempt on the basic rights of human beings "born free and equal in dignity and rights and endowed with reason and conscience" and on the right to marry and found a family. What, in this context, should be the interpretation of Article 29 of the Universal Declaration, "In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law

solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society" in relation to Article 30 which declares that "Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein"?

13. It can be maintained that the right to have children does not cover the right for a couple to have as many children as it wishes even if it considers itself to be acting responsibly in so doing. If it comes to be recognized by a nation that the unlimited exercise of the right to have children would jeopardize the exercise of other rights by the community and other individuals (including the children to be born) and might even endanger the future of human life on earth, would society then be entitled to exercise pressures to prevent this happening? On this view, it could be urged that to attempt to limit the size of families for all couples by measures democratically adopted, with no discrimination of class, income, race etc. would not contradict the principle of equal rights nor the right to marry and found a family.

C. Population Growth and Human Rights

14. Resolution XVIII, adopted by the International Conference of 1968, recognized that the present rapid rate of population growth in some areas affected the full realization of human rights. In many countries it is making it more difficult to extend to more, let alone to all men and women, the right to work, to free choice of employment and to freedom of movement and residence within their country; the right

to social security and the economic, social and cultural rights indispensable to dignity and free development of the personality; the right to a standard of living adequate for health and well-being, including food, medical care and social services; the right freely to participate in the cultural life of the community, to enjoy the arts and to share in the advancement of science and its benefits. On the other hand, there are reasons and evidence to believe that if these rights were more widely enjoyed this would contribute to reducing the rate of population growth which in turn threatens their realization. The guarantee of regular and continued gainful employment reduces the need for children to supplement the family income. The reduction of the mortality rate resulting from the extension of health services affects the emotional and economic motivations towards large families. The provision of social security benefits and, in particular, old age pensions makes it less necessary for parents to seek insurance for their old age by having many children. The extension of education, which is essential to the implementation of all human rights, may be seen to have direct and indirect relations to the solution of population problems.

D. Effects of Rapid Population Growth on Education

15. The right to education is far from being realized for a large part of the world's present population and, particularly, for girls and women. Even at the primary level which, according to the Universal Declaration and the International Convention on Discrimination in Education, should be compulsory and free for all, from 20% to 50% of the children concerned, in three vast regions of the world, are not going to school. Only 43% of those enrolled are girls and women; the percentages

are as low as 38 at primary level in Asia, 32 at second level and 26 at third level in Africa. At United Nations estimated population growth rates for 1970-1985 it is anticipated that the population aged 5 to 14 will increase over that period by 10.8% in the developed and by 42.4% in the developing countries. Even if the birth rates were to drop sharply at once, which is improbable, it will be difficult for developing countries, most of which are already spending on education what seems to be the maximum percentage possible of their national budgets, to expand their educational systems so as to maintain enrolments even at their present levels, let alone raise them. This threatens the realization of the right to education, and of rights related to education, as well as economic and social development on which in turn the expansion of education depends. The present rapid rate of population growth is not only a quantitative problem: it also threatens the quality of education and with it the quality of life.

16. The total world population is increasing at the rate of 2% per annum, and in some countries at a much higher rate. In the age groups, 0 to 24, which are the immediate concern of formal education systems, the rates of increase over the period 1965-70 were even higher: 0 - 4, 2.15%; 5 - 9, 1.35%; 10 - 14, 2.02%; 15 - 19, 2.71%; 20 - 24, 3.07%.

17. At the beginning of the present decade, total enrolment was increasing by only 2½% per annum compared with an average over the years 1960-70 of 4.1%: in Africa and Asia the previously high rates have dropped to 3.5% and 2.3% respectively. The lowest enrolment rates are found in the areas of greatest increases in growth of population: in Africa, Arab States, Asia and Latin America.

18. Around 1970, only 71% of children of primary school age were attending school. Whereas in Europe, the U.S.S.R. and North America the percentage approached 100, in Latin America it was 78, in Asia 59 and in Africa only 48. The percentage of children of secondary school age, 15 to 19, attending school was 54% for the world. But again, while in Europe and North America, it ranged from around 70 to 90, in Latin America it was 49, in Asia 44 and in Africa 25. The third level enrolment as a percentage of the population aged 20 to 24 was in Africa 1.5, in Asia 4.9, in Latin America 6.3, in Europe and the U.S.S.R. 17 and in North America 48.2.

19. In 38 countries and territories education at primary level is still not compulsory. In 90 out of 152 self-governing educational systems for which data were available, the duration of compulsory education did not include any part of secondary education and in a further 28 it included no more than two years.

20. Since 1960 the percentage of enrolment of girls and women to total enrolment at all levels has remained at around 43; in Asia it is 37, in Africa 39, in the Arab States 35. At primary and second level there is roughly parity between boys and girls except in Asia, where the percentage of girls at primary level is 38 and at secondary 35, and in Africa where the figures are 40 and 32. At the third level, the percentages of women by regions are: Europe and U.S.S.R. 42, North America 41 Latin America 35, Asia 28 and Africa 26. This means that when we compare the number of girls attending school with the total number of girls in the population, the proportion of girls at secondary school age going to school is estimated at less than ten out of a hundred in

Africa and the Arab States, around 20 in Asia, 25 in Latin America, over 30 in Europe and the U.S.S.R., and around 45 in North America. At the third level, university and higher education, the proportion of women is 1 or less out of 100 in Africa, Arab States and Asia, 2 in Latin America, 7 in Europe and the U.S.S.R. and 20 in North America.

21. The number of adult illiterates, 15 and over, continues to rise although the percentage has dropped from 39.3 in 1960 to 34.2 in the '70's. With an estimated world adult population in 1980 of 2,820 millions it is thought that there will still be 820 million adult illiterates and a rate of 29% in spite of the effects of increased primary education enrolments and literacy campaigns.

E. Education and Population Growth

22. It is difficult to estimate the effects of education, in total enrolments and at different levels, on fertility and population trends. That there is a relationship between level of education and the rate of fertility is generally accepted, but the complex relationships between education factors and other social and economic variables have not been adequately examined. There is no proof that there is a direct causal relationship between growth in education and fertility, leading automatically to lower birth rates. However, there is a significant difference in the rate of population growth between countries at different levels of educational development. Countries with high literacy rates and high enrolments for both men and women at all levels tend to have lower population growth rates than countries which are educationally less advanced and they tend to have relatively low or moderate birth rates.

23. Surveys indicate that better-educated people desire somewhat smaller families than uneducated people (although the difference may be equally valid as between rich and poor) and that they are having about the number of children they desire while those with little or no education are having substantially more. Surveys of knowledge, attitudes and practice conducted in developing countries show a downward trend in fertility as educational attainments increase. The duration of schooling required to reduce fertility significantly is, on the evidence available, at least around six years, and might indeed be as long as 10 to 14 years.

24. Adults who have reached a certain educational level usually desire education for their children. Because of the direct or indirect costs of education, this leads in many societies to limiting the size of the family. Education of girls and women probably postpones the age of marriage and birth of children. The opening up of employment opportunities for educated girls and women may also contribute to the spacing and limitation of births. There may be other consequences of education - increased material desires or changes in cultural aspirations - which contribute to limitation of family size.

25. Whatever may be the direct or indirect effects of the enjoyment of education in itself on population trends, there is no question that some education is necessary to the exercise of the right to education and information on population and fertility matters. Population education, in and out of school, is not just sex education or family planning education, nor is it propaganda or indoctrination. The object is to promote knowledge and understanding of population phenomena within the framework of economic, social

and cultural development. It is an appropriate area of study, in all countries, whatever their population situation and problems. The purpose is to help children and adults to see how population changes affect them, their community and the world and how their behaviour can affect changes. The teaching methods employed enable them to learn how, in this and other fields, to take responsible decisions and to exercise their rights. The State has an interest in increasing the number of those who understand the problems and may choose to adopt attitudes and take action desired by society. While knowledge by itself may not lead to desired action, it is indispensable and is likely to be more readily communicable to those with a degree of general education.

26. The growth of education is therefore seen to be necessary because, in relationship with other factors, it may affect behaviour in relation to population problems and also because it increases the possibilities of explaining population issues and their relation to human rights and responsibilities, and how to exercise them to larger numbers.

F. Communication Media and Population Education

27. Resolution XVIII of the International Conference provides for couples the right to adequate education and information bearing on their right to determine freely and responsibily the number and spacing of their children. This right derives from the right, declared in Article 19 of the Universal Declaration, "to seek, receive and impart information and ideas through any media and regardless of frontiers"., For the men and women who have long left school, for the hundreds of millions of illiterates and the tens of millions, year by year, who will not go to school, means

must be found to give them information, which it is their right to receive and which is necessary to the implementation of population policies. Given the vast numbers involved it is natural to think of the media of mass communication, (press, radio, television and film), as primary means of communication between governments and peoples.

28. Two preliminary conditions to the use of the mass media for this purpose should be borne in mind. First, in most of the countries of the world outside Western Europe and North America, radio and television broadcasting services are directly controlled and operated by the State. States, therefore, have the power to use or not to use the media, either in the course of general broadcasting or for special programmes, to give information about problems and policies and to attempt to change the image of what constitutes a normal, happy family. The press and the film, which in most of the same countries are still largely privately operated, in developing countries reach very small parts of the public because of illiteracy and the small number of cinemas and cinema attendances. But in most developing countries the actual listener coverage of radio broadcasting and, even more, of television is small and largely limited to urban areas, although transmission services cover the whole of most of them. In Africa 40 countries and in Asia 20 have less than 10 radio receivers for every 100 people. As for television, in Latin America only 2 countries have more than 10 receivers for 100 people, and in Asia 20 have less than 10; although television now exists in 24 countries of Africa, there are less than three receivers for 100 people in any of them. In many countries with populations

speaking a number of different languages, radio and television services are confined to only a few of them. Even allowing for family and community use of radio and television receivers, mass coverage is relatively small and limited.

29. In any event, the use of the mass media for information, education motivation and instruction as a basis for judgements concerning rights related to population, to be effective, needs to be supported by other more personal means of communication and supplemented by traditional, community or folk means of communication. The mass media, and the traditional media - story-tellers, puppet and theatre shows - can be used to give general information and education and to create a social atmosphere and attitude. The mass media can also be used to exhort to action and to advertise the existence of means and services for family planning. But final persuasion and motivation to making desired choices requires person-to-person communication within communities.

G. Action to Promote Human Rights in the Light of Population Trends

30. It is suggested that action, at the national and international levels, is required in the following fields:

(1) Innovation and renovation of the formal education system - structure, content and methods - to enable and improve the provision of education at different levels to increasing

numbers within the limits of financial and human resources likely to be available for the expansion of education. Special attention should be given to girls and women, rural areas, migrants to urban areas and immigrants.

(2) Expansion of out-of-school education for adults and young people through increased use of the resources of the formal education system, of the means of communication, both mass media and traditional folk media, and of industrial and commercial establishments.

(3) Promotion of research projects, organized cooperatively by demographers, economists, social scientists, psychologists, anthropologists, humanists and educators, on attitudes and behaviour of people in relation to population questions and human rights and their own personal problems and on what factors, economic, social, cultural and educational, have contributed or might contribute to changes in attitudes and behaviour. This is essential to sound policy decisions and to the effectiveness of population plans and of population education.

(4) Development of courses, methods and techniques of population education at different levels, and for different groups within populations.

(5) Development of education and training in population education for teachers and communication personnel using both mass media and traditional folk media.